IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3334 OF 2007

Pandharinath A. Jadhav .. Petitioner

Versus

Dattatraya Kashinath Nikam & Ors.. Respondents

Mr.K.S.Patil for petitioner

Ms.Jyoti Chavan for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd December 2007

P.C.

. This petition is directed against an order of the lower appellate court refusing to grant any interim stay during the pendency of the appeal which is preferred by the present

petitioner. The present petitioner has suffered a decree of the Trial Court for declaration and possession. In such circumstances, while challenging that decree an application was made for interim stay.

2. That having been rejected present petition was filed.

3. While issuing notice to the respondents - original plaintiffs this court had directed that decree for possession shall not be executed. On 26th April 2007 this order was passed.

4. To my mind, instead of going into the rival contentions and prejudicing case of parties in the pending appeal, interest of justice would be sub-served if the order passed by this Court on 26th April 2007 is continued till hearing and final disposal of the appeal pending before the Dist.Court. Considering the fact that one of the

parties to the litigation is senior citizen, interest of justice would be sub-served if the lower appellate court takes up the matter for expeditious disposal and endeavours to dispose of the same within three months from the date of receipt of this order. Petition disposed of. No costs.

(S.C.Dharmadhikari, J)